

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2008-86

Lynn Carol Patty
941 East Buckhill Road
Fresno, CA 93720

Registered Nurse License No. 358513
Nurse Practitioner License No. 11692
Nurse Practitioner Furnishing License No. 11692

Respondent.

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on February 19, 2008.

IT IS SO ORDERED this February 19, 2008.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 ELENA L. ALMANZO, State Bar No. 131058
Deputy Attorney General
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 322-6121
6 Facsimile: (916) 324-5567

7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2008-86

12 LYNN CAROL PATTY
aka LYNN C. VULKICH
941 East Buckhill Road
13 Fresno, CA 93720

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 Registered Nurse License No. 358513
Nurse Practitioner License No. 11692
15 Nurse Practitioner Furnishing License No. 11692

16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 PARTIES

21 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
22 the Board of Registered Nursing. She brought this action solely in her official capacity and is
23 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
24 by Elena L. Almanzo, Deputy Attorney General.

25 2. Lynn Carol Patty (Respondent) is representing herself in this proceeding
26 and has chosen not to exercise her right to be represented by counsel.

27 3. On or about March 31, 1983, the Board issued Registered Nurse License
28 Number 358513 to Lynn C. Vukich, also known as Lynn Carol Patty ("Respondent"). The

1 registered nurse license was in full force and effect at all times relevant to the charges brought
2 herein and will expire on September 30, 2008.

3 4. On or about July 10, 2000, the Board issued Nurse Practitioner License
4 Number 11692 to Lynn Carol Patty, also known as Lynn C. Vukich (Respondent). The nurse
5 practitioner license was in full force and effect at all times relevant to the charges brought herein
6 and will expire on September 30, 2008.

7 5. On or about September 6, 2001, the Board issued Nurse Practitioner
8 Furnishing License Number 11692 to Lynn Carol Patty, also known as Lynn C. Vukich
9 (Respondent). The nurse practitioner furnishing license was in full force and effect at all times
10 relevant to the charges brought herein and will expire on September 30, 2008.

11 JURISDICTION

12 6. Accusation No. 2008-86 was filed before the Board of Registered Nursing
13 (Board) , Department of Consumer Affairs, and is currently pending against Respondent. The
14 Accusation and all other statutorily required documents were properly served on Respondent on
15 September 28, 2007. Respondent timely filed her Notice of Defense contesting the Accusation.
16 A copy of Accusation No. 2008-86 is attached as exhibit A and incorporated herein by reference.

17 ADVISEMENT AND WAIVERS

18 7. Respondent has carefully read, and understands the charges and allegations
19 in Accusation No. 2008-86. Respondent also has carefully read, and understands the effects of
20 this Stipulated Surrender of License and Order.

21 8. Respondent is fully aware of her legal rights in this matter, including the
22 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
23 counsel, at her own expense; the right to confront and cross-examine the witnesses against her;
24 the right to present evidence and to testify on her own behalf; the right to the issuance of
25 subpoenas to compel the attendance of witnesses and the production of documents; the right to
26 reconsideration and court review of an adverse decision; and all other rights accorded by the
27 California Administrative Procedure Act and other applicable laws.

28 ///

1 9. Respondent voluntarily, knowingly, and intelligently waives and gives up
2 each and every right set forth above.

3 CULPABILITY

4 10. Respondent admits the truth of each and every charge and allegation in
5 Accusation No. 2008-86, agrees that cause exists for discipline and hereby surrenders her
6 Registered Nurse License No. 358513, Nurse Practitioner License No. 11692, and Nurse
7 Practitioner Furnishing License No. 11692 for the Board's formal acceptance.

8 11. Respondent understands that by signing this stipulation she enables the
9 Board to issue an order accepting the surrender of her Registered Nurse License, Nurse
10 Practitioner License, and Nurse Practitioner Furnishing License without further process.

11 CONTINGENCY

12 12. This stipulation shall be subject to approval by the Board of Registered
13 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the
14 Board of Registered Nursing may communicate directly with the Board regarding this stipulation
15 and surrender, without notice to or participation by Respondent. By signing the stipulation,
16 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
17 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
18 this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall
19 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
20 between the parties, and the Board shall not be disqualified from further action by having
21 considered this matter.

22 13. The parties understand and agree that facsimile copies of this Stipulated
23 Surrender of License and Order, including facsimile signatures thereto, shall have the same force
24 and effect as the originals.

25 14. In consideration of the foregoing admissions and stipulations, the parties
26 agree that the (Board) may, without further notice or formal proceeding, issue and enter the
27 following Order:

28 ///

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 358513 issued to Respondent Lynn Carol Patty is surrendered and accepted by the Board of Registered Nursing.

IT IS FURTHER ORDERED that Nurse Practitioner License No. 11692 and Nurse Practitioner Furnishing License No. 11692 issued to Respondent Lynn Carol Patty are surrendered and accepted by the Board of Registered Nursing.

15. The surrender of Respondent's Registered Nurse License, Nurse Practitioner License, and Nurse Practitioner Furnishing License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

16. Respondent shall lose all rights and privileges as a registered nurse and Nurse Practitioner in California as of the effective date of the Board's Decision and Order.

17. Respondent shall cause to be delivered to the Board both her wall and pocket license certificate on or before the effective date of the Decision and Order.

18. Respondent fully understands and agrees that if she ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2008-86 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

19. Upon reinstatement of the license, Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of One Thousand Two Hundred Eighty-Seven dollars and Twenty-Five cents (\$1,287.25). Respondent shall be permitted to pay these costs in a payment plan approved by the Board.

///

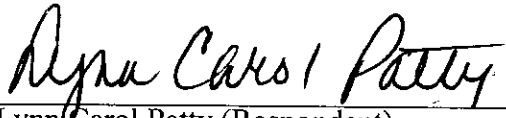
20. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 2008-86 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

21. Respondent shall not apply for licensure or petition for reinstatement for two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License, Nurse Practitioner license and Nurse Practitioner Furnishing License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 11/6/07


Lynn Carol Patty (Respondent)
Respondent

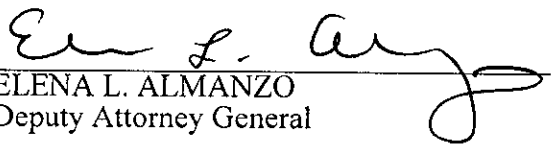
ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 12/04/07

EDMUND G. BROWN JR., Attorney General
of the State of California

ARTHUR D. TAGGART
Supervising Deputy Attorney General


ELENA L. ALMANZO
Deputy Attorney General

Attorneys for Complainant

Exhibit A
Accusation No. 2008-86

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 ELENA L. ALMANZO, State Bar No. 131058
Deputy Attorney General
4 California Department of Justice
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 322-6121
Facsimile: (916) 324-5567

7 Attorneys for Complainant
8

9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2008 - 86*

13 **LYNN CAROL PATTY**
AKA LYNN C. VUKICH
14 941 East Buckhill Road
Fresno, CA 93720

A C C U S A T I O N

15 Registered Nurse License No. 358513
16 Nurse Practitioner License No. 11692
Nurse Practitioner Furnishing License No. 11692

17 Respondent.
18

19 Complainant alleges:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
23 ("Board"), Department of Consumer Affairs.

24 2. On or about March 31, 1983, the Board issued Registered Nurse License
25 Number 358513 to Lynn C. Vukich, also known as Lynn Carol Patty ("Respondent"). The
26 registered nurse license was in full force and effect at all times relevant to the charges brought
27 herein and will expire on September 30, 2008.

28 ///

1 3. On or about July 10, 2000, the Board issued Nurse Practitioner License
2 Number 11692 to Lynn Carol Patty, also known as Lynn C. Vukich (Respondent). The nurse
3 practitioner license was in full force and effect at all times relevant to the charges brought herein
4 and will expire on September 30, 2008.

5 4. On or about September 6, 2001, the Board issued Nurse Practitioner
6 Furnishing License Number 11692 to Lynn Carol Patty, also known as Lynn C. Vukich
7 (Respondent). The nurse practitioner furnishing license was in full force and effect at all times
8 relevant to the charges brought herein and will expire on September 30, 2008.

9 **STATUTORY PROVISIONS**

10 5. Section 2750 of the Business and Professions Code ("Code") provides, in
11 pertinent part, that the Board may discipline any licensee, including a licensee holding a
12 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code
13 section 2750) of the Nursing Practice Act.

14 6. Code section 2764 provides, in pertinent part, that the expiration of a
15 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
16 against the licensee or to render a decision imposing discipline on the license. Under Code
17 section 2811, subdivision (b), the Board may renew an expired license at any time within eight
18 years after the expiration.

19 7. Code section 2761 states, in pertinent part:

20 The board may take disciplinary action against a certified or licensed nurse
21 or deny an application for a certificate or license for any of the following:

22 (a) Unprofessional conduct, which includes, but is not limited to, the
23 following:

24 (f) Conviction of a felony or of any offense substantially related to the
25 qualifications, functions, and duties of a registered nurse, in which event the
26 record of the conviction shall be conclusive evidence thereof.

25 8. Code section 2762 states, in pertinent part:

26 In addition to other acts constituting unprofessional conduct within the
27 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct
28 for a person licensed under this chapter to do any of the following:

28 ///

1 (b) Use any controlled substance as defined in Division 10
2 (commencing with Section 11000) of the Health and Safety Code, or any
3 dangerous drug or dangerous device as defined in Section 4022, or alcoholic
4 beverages, to an extent or in a manner dangerous or injurious to himself or herself,
5 any other person, or the public or to the extent that such use impairs his or her
6 ability to conduct with safety to the public the practice authorized by his or her
7 license.

8 (c) Be convicted of a criminal offense involving the prescription,
9 consumption, or self-administration of any of the substances described in
10 subdivisions (a) and (b) of this section, or the possession of, or falsification of a
11 record pertaining to, the substances described in subdivision (a) of this section, in
12 which event the record of the conviction is conclusive evidence thereof.

13 COST RECOVERY

14 9. Code section 125.3 provides, in pertinent part, that the Board may request
15 the administrative law judge to direct a licensee found to have committed a violation or
16 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
17 and enforcement of the case.

18 FIRST CAUSE FOR DISCIPLINE

19 (Criminal Conviction)

20 10. Respondent's license is subject to disciplinary action under Code section
21 2761, subdivision (f), in that Respondent has been convicted of a crime that is substantially
22 related to the qualifications, functions, and duties of a registered nurse. On March 16, 2007, in
23 the Superior Court, County of Madera, in the case entitled *People of the State of California v.*
24 *Lynn Carol Patty* (Super. Ct. Madera Cty., 2007, Case No. MCRO24465), Respondent was
25 convicted by the Court on her plea of no contest of violating Vehicle Code section 23153,
26 subdivisions (a) and (b) (causing bodily injury to another while driving with blood alcohol level
27 of .08% or more); Penal Code section 191.5, subdivision (a) (gross vehicular manslaughter while
28 intoxicated); and a Vehicle Code section 23558 enhancement (bodily injury or death to more than
one victim in the same instance of driving under the influence of alcohol).

29 ///

30 ///

31 ///

32 ///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

27
27
fu
27
27
be
pa
he
to
to
11
Bo
ca
///
///
///

3
4
5
6

7

8

9
10
11
12
13

14

15

16

17
18

19
20

21

22

23
24
25

26

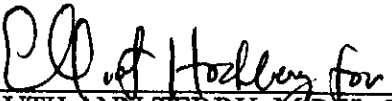
27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

5. Taking such other and further action as deemed necessary and proper.

DATED: 9/14/07


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

03579110-SA2007101871
Patty.Acc.wpd
bfc 8/21/07